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Iconic Violence: belief, law and the visual

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ABSTRACT

In early 2015, the attacks provoked by cartoons of the Prophet and the execution videos released by Islamic State staged a bloody encounter between two aesthetics of the image and two visions of its law. The confrontation between caricature and documentary realism and between blasphemy and freedom of expression form the context for this inquiry into the violence associated with beliefs about images. Violence can arise not only as a result of religious beliefs but equally from the contribution of visual evidence to secular convictions. The article shows how recent reassessments of the ethics of 'law and the visual' draw on the emancipatory discourses of the 'pictorial turn' and its recourse to the discourse of the early iconoclastic debates. The key legacy of the Byzantine debates, I argue, is less a theory of the image as the polemical identification of the iconoclast and the idolater and the management of the violent passions they evoke for each other. What is ultimately at issue in laws governing relations between seeing and believing are the attitudes people have to those who do not share their regime of the visual, and which, at times of crisis, can revive passions associated with veneration and execration.

KEYWORDS

Law and the visual; cartoons of the Prophet; the pictorial turn; iconoclasm

Iconic Violence: belief, law and the visual

'Can Images Kill?' asked the theorist of the Byzantine icon, José-Marie Mondzain in the wake of the attack on the World Trade Centre on 9 September 2001.¹ The previous year, pictures of the commemorations of the Millennium on television screens around the world had enabled an 'international sharing of emotion' over what Mondzain describes as a celebration of the 'reign ... of the image ... the undisputed domination of the visible and of visual industries in full legitimacy.'² In contrast, in 2001, she continues, 'in massacring so many people and in destroying the towers, the enemy gave us the first historical spectacle of the death of the image in the image of death.' While pictures of death and destruction perpetrated by many 'enemies' of one another have continued to disgrace television screens, two particular atrocities came together in early 2015 in another horrific chiasmus of the image and deathly violence with the character of a global confrontation. In January and February of that year, supporters of the self-styled Islamic State (ISIS) attacked the offices of the French satirical magazine, *Charlie Hebdo*, as well as Jewish and other targets in Paris and Copenhagen. In the meantime, at the end of January, ISIS released the last of a sequence of videos which they had begun to publish on the internet the previous August depicting the beheading of Western civilians.³

The attention given in the press and social media to the targeting of French and Danish cartoonists, along with reactions to ISIS's videos, can be seen as staging a bloody confrontation between two aesthetics of the image as well as two visions of its law. In this confrontation, the art of caricature, accused by Islamic fundamentalists of perpetrating blasphemy, was turned for the West into a global image of the right to freedom of expression. At the same time, in contrast to the line drawings of the cartoonists, the documentary style of ISIS's Al Hayat Media Center's videos was seen as contravening the limits of what should be seen or shown as they became, to anyone other than those who shared their beliefs, a global image of the inhuman defiance of all legality.⁴ Caricature vs realism; blasphemy vs freedom of expression; what may, or should, (not) be displayed to sight. These confrontations form the context for this essay's inquiry into the relationship today between images and belief and the violence that can result – be the image, or the related violence, deemed criminal, or an instrument of the 'force of law' itself. The outrages can be read as resulting from the relationship between what people believe and what, in accord with those beliefs, their law permits to be seen or shown, and what it mandates as a consequence of transgression. I am not confining 'belief' to religious faith here. Secular law manifests a complementary relationship between seeing and believing in the reverse direction: what one is expected or permitted to believe in relation to what one is shown. The language of evidence and the rules governing it testify to the force of seeing, the power of the eye as witness. The connection to 'the field of pain and death'⁵ is not always as obvious as in our examples, nor as brutal – and yet belief in what one is shown can play a decisive role in convictions, even, in some jurisdictions, executions. In sum, the role of belief in determining the norms governing what one is permitted to see or to show is complemented by the norms by which people are convinced, and others convicted, by images and the beliefs they compel.

In modern times, the power of images to instil belief in the truth of what they appear to depict has meant that the visual has traditionally been regarded with caution, particularly in the context of law. In contrast, over the past two decades, a progressive shift from 'law and literature' to 'law and the visual' has accompanied an increasing emancipation of the visual.⁶ Interventions like Martin Jay's 'Must Justice be Blind?' have sought to liberate the image from its traditional association with the idolatrous seductions of the sensual and its consequent subjugation to the reason of law conceived as *sola scripta*.⁷ Such revaluations

take their place within the larger critique of the phallogocentric which has characterised much progressive work in the humanities over the last half-century. Yet the increasing use in court of video evidence and digitally-generated re-enactments and representations of scientific evidence have resurrected anxieties about what we believe about what is presented to our sight. In response to these technologies, figures like Richard K. Sherwin have sought new grounds, specific to visual experience, on which to judge the relationship between what we see or are shown, and what we come to believe, be it in a particular case, or in relation to the law in general.⁸ As law and literature drew largely on the tendencies of literary theory from the 1970s to treat all cultural phenomena as linguistic constructs, law and the visual puts into play theories of the image from the 1990s that have sought emancipation from the linguistic model.

I will seek here to draw together the two configurations of seeing and believing and believing and seeing: one seeking reliable grounds for conviction by images in order to enforce the law with justice; the other acting violently in the name of the justice of its convictions about the law of images. Reading the first in the context of the rise of visual studies, I shall argue that the association of violence with images is not the consequence exclusively of the beliefs of religious fundamentalists. The normative beliefs that we find in modern discourses regarding images are also capable of carrying destructive passions. These passions can be understood in terms of the survival of what I shall call a 'religious remainder' in emancipatory discourses on the image, and, thereby, of the potential violence of our secular zeal for the dominant regimes of the visual. In order to make this case, I shall first place the shift from law and literature to law and the visual in a broader disciplinary history that links it to the question of religion. My account of the turn-of-the-century rise of visual studies will develop these links by taking us back to the legitimation of images in the iconoclastic debates of the Byzantine Empire. Here, besides the iconodule or iconophile, we will find the polemical figures who connect the turn to the visual, the law of images, and religious violence: the iconoclast and the enemy on whose existence his own is predicated, the idolater. In the final section, these figures will help us understand what is at stake for the relation between belief and the visual in the aesthetics, and the violence, of the video and the caricature with which we began.

The textual and the pictorial turn

Let us turn then to a brief narrative of law's disciplinary conjunctions, to trace the passage from literature to the visual and its relation to religion. The law and literature movement opened up the law to its others as part of the 'linguistic' or 'textual turn' of the late twentieth century. Reading law as literature subverted the confident singularity of law's truths, and promoted the claims of alternative sources, experiences and visions of justice to those the law had traditionally protected. For its part, Western law has sought, with some success, to accommodate diverse narratives of gender, sexuality, race, ethnicity and religious belief largely through the jurisprudence of human rights. Of the various tensions that have arisen between rights, those grounded in differing religious belief have arguably most tested the limits of law's capacity to negotiate a plurality of *nomoi* – in the case of the UK, mainly in relation to the jurisdictions of Christian dogma and of Sharia over gender, sexuality and freedom of expression.

Besides putting the boundaries of competing human rights under pressure, the assertion of religious claims has challenged the constructivism and cultural relativism associated with the linguistic turn. In this, it has been joined by two other demands that emerged in the last decade of the twentieth century in the name of a justice founded on something more substantial than the alleged abstract formalism of textual criticism. On the one hand, as Costas Douzinas observes, the mainstream turn to formal human rights also 'marked a global "ethical turn"', in which critical lawyers sought to speak for a justice founded on a commitment to the irreducible and substantive singularity of the Other.⁹ During the nineties too, in various areas of cultural criticism, a 'pictorial' or 'iconic' turn asserted the distinctive claims of the visual against its subjugation to the rule of linguistics.¹⁰ For many

theorists of the image, the concrete, embodied phenomenology of visual experience bore a strong ethical charge in relation to both the oppressive abstractions of the *logos* and the unanchored pluralities of the literary. It is hence not surprising that the two 'turns' – the ethical and the pictorial – come together in the efforts to establish more solid grounds for conviction in law in relation to the visual.

As I have suggested, Richard K. Sherwin has played a leading role here. Besides his own publications, in 2005 Sherwin established the Visual Persuasion Project at New York Law School, which, in partnership with the pioneering centre for law and literature, the Cardozo Law School, held a major conference on 'Visualizing the Law in the Digital Age' in 2011; in 2013, he and Anne Wagner, editor of the *International Journal of the Semiotics of Law*, published a substantial collection of essays on *Law, Culture & Visual Studies*.¹¹ Sherwin recognises the legitimate cognitive power of the visual celebrated by the pictorial turn, against what he attacks as 'the Cartesian legacy ... and its repudiation of embodied forms of knowing ... its dismissal of emotional knowledge and the creative power of the imagination' that has dominated in law hitherto.¹² In this way, he maintains, '[t]he associative, affective logic of visual images helps us to escape the disembodied logic of instrumental reasoning'.¹³ This is the common language associated with the emancipatory claims of visual cognition. However, he maintains, recent technological developments have produced a too-ready credence in the gloss of the screen and a 'loss of confidence in the reliability of visual representation', leading to a 'growing inability to distinguish fact from fiction, reality from fantasy, will from desire'.¹⁴ From this Sherwin diagnoses a 'growing metaphysical anxiety'¹⁵ in relation to the expansion of visual media and of digitally-produced images that he associates with what he terms 'the specter of the baroque'.¹⁶ Specifically, then, finders of fact in courts, lawyers, and viewers in general need to understand better the specific ways in which images operate if they are to avoid being induced into false beliefs based on the experience of visual 'spectacles' of 'mere sensation'.¹⁷ Sherwin hence proposes a 'new paradigm'¹⁸ for a 'visual jurisprudence', which he describes as 'the confluence of the ethical and the aesthetic sublime'.¹⁹ What distinguishes the 'visual sublime' from the sensationalist spectacle of digital simulacra, he argues, is the experience of 'something uncanny in the excess of meaning [in the image] ... a sense of presence that cannot be easily explained'.²⁰ This uncanny feeling, he argues, is precisely what 'brings justice to mind'.²¹ It is the association with justice of this sublime sense of presence in visual experience as the grounds for legitimate belief in the truth of images that I wish to bring into contact with what we might call the 'iconic violence' of the episodes referred to above.

I use the term 'iconic' here in two senses. First, the attacks are 'iconic' in the current banal use of the term in English – a use that reflects, on a popular level, the theoretical desire articulated by Sherwin for an experience of presence that offers a confident correlation between seeing and believing. In the face of the increasing plurality of cultural meanings, 'icon' and 'iconic' have come today to denote an unchallenged image of a shared and recognisable cultural value: the Empire State Building is an icon of New York; the Rolling Stones are an icon of the sixties; the Magna Carta is an 'icon of liberty'.²² In the context of the instabilities of postmodern truths, we look for images that can ground collective beliefs, and call them 'icons'. In that sense, the episodes that form the background to this article have themselves functioned culturally as 'iconic' images of the conflict between secularism and fundamentalism. Secondly, I am using 'iconic' in its historical sense – the sense in which theories of the icon have played an important role alongside the sublime in the pictorial turn at large and in thinking about law and the image, at least since Douzinas discussed classical *eidola* and Orthodox icons in the pioneering volume on *Law and the Image* he co-edited with Lynda Nead in 1999.²³ We shall return to the icon and the sublime shortly. Finally, I invoke the term in the expression 'iconic violence' to remind us of the indissoluble link, as here, between the image and the destructive acts of what is described as iconoclasm. In its turn, iconoclasm has itself frequently been invoked as evidence of a contemporary crisis in visual culture, such as that identified by Sherwin.²⁴ What, then, is the

significance of the language of the icon and the violence associated with it in the context of law, belief, and the visual today?

The emancipation of the image

Contemporary academic interest in the icon and its ethical promise was precipitated out of the critique of the traditional institution of art history that visual studies sought to supplant.²⁵ Besides a redirection from the word to the image, the pictorial turn involved an emancipatory expansion from painting and sculpture to the visual field as a whole. As Jás Elsner argues, the development of the modern study of the work of art had privileged certain kinds of images over others by subordinating visibility to a verbal narrative of the image's genesis or its contextual meaning.²⁶ For Elsner, 'the triumph of text over image ... which ultimately became the discipline of art history' had its roots in the Reformation's 'attack on the real presence of Christian images'.²⁷ In contrast, what interested visual theorists in the last years of the century was not primarily the meaning of images, but their *effectiveness*. As with the experience of Sherwin's 'visual sublime', what has been at issue here is the superior capacity of images, relative to verbal discourse, to *present*, rather than represent, the truth – in short, their ability to command an ethical conviction of belief.

In order to understand what, in his pioneering work of 1989, David Freedberg called *The Power of Images*, visual studies therefore needed to look aesthetically beyond the canon of art history and chronologically behind the Reformation.²⁸ Freedberg drew on disciplines like the anthropology of religion, cognitive psychology and the phenomenology of perception to rescue popular responses to visual images from their repression under modernity, and to restore their value as transcultural forms of embodied cognition that we share today in our experience of art as much as in popular forms of visual experience. The emancipatory value of postmodern visual studies within broader postcolonial, feminist and queer critiques of phallogocentrism derived then from the particular value this approach gave to the sort of sensuous non-rational experience of the visual and its associative processes that was either marginalised by art history as 'primitive', 'childish', or 'superstitious', or associated with the intellectual inferiority and dangerous sensuality of unruly women, or, more respectfully but no less hierarchically, separated from aesthetics under the rubric of 'religious art'. In contrast to these repressive intellectualising tendencies, recognition of the essential characteristics of the visual, according to Freedberg, 'makes us aware of our kinship with the unlettered, the coarse, the primitive, the undeveloped' through aesthetic experiences rooted in the body and in sexual desire.²⁹

The pursuit of such experiences of presence brought into scholarly sight what in 1994 Hans Belting famously termed the 'era of images before art'.³⁰ Here, it was argued, in pagan, classical and pre-Reformation religious images and cult objects, we find a rich record of the effectiveness of the visual. Of these, the Orthodox icon held a particular interest – ironically, in the context – because it offered the most extensive documentary record. The archive associated with the icon is important since, considered in relation to law, the emancipatory project at the heart of the pictorial turn cannot avoid addressing the Second Commandment, the foundational law constraining images, in the name of which the iconoclast commonly acts.

In the literature on law and the visual, the Commandment has principally been read in the context of Immanuel Kant's theory of the sublime and his statement that 'there is no more sublime passage in the Jewish law than the commandment' against images.³¹ In relation to our concerns here, there are a number of draw-backs to this reading of the prohibition. First, it keeps us within the context of the philosophical relationship between modern law and the sublime that underpin positions like Sherwin's. Secondly, the Kantian context assumes the modern discourse of the 'aesthetic' which the pictorial turn we are looking at seeks to pre-empt. Lastly, the historical link with Kant and the sublime installs the modern association of 'iconoclasm' with the progressive secular politics of the French Revolution and the nineteenth-century innovations of avant-garde art that can be seen to inform the dominant narrative regarding *Charlie Hebdo*.³² While the revolutionary context is

not irrelevant to the issues under discussion, what Emmanuel Alloa has referred to as 'The Strange Resurgence of a Kantian Motif in Contemporary Image Politics' fails, nevertheless, to give us sufficient critical purchase on a jurisprudence of the 'visual sublime'.³³ On the other hand, the focus on the icon rather than the sublime returns us to the earlier and more explicitly *religious* issues that, as I shall argue below, are otherwise at risk of being finessed in the modern context but are reaffirming themselves in the present day.

The pertinence of the disputes over the icon to contemporary image theory is declared in the title of another essay by Alloa entitled 'Visual Studies in Byzantium: A Pictorial Turn *Avant La Lettre*', and by his claim that: 'In many regards, the disputes of the 8th and 9th century in Byzantium may represent something like a primary scene of contemporary visual studies.'³⁴ The relevance of Byzantium to the pictorial turn lies in the fact that, according to Alloa, '[a]t both ends of the historical spectrum, a kind of image emerges that cannot be properly addressed by the notion of aesthetic judgment and not even by their referentiality; what they demand is a reflection on their visual efficacy.'³⁵ And, out of that reflection emerged 'a consistent and comprehensive image concept [with] a tremendous historical efficacy'.³⁶ The triumph of the icon is, then, the founding moment of the 'empire of the gaze and vision' that Mondzain alluded to in our opening.³⁷ And, as I shall argue in the last section, its mastery is exercised through the management of the relations between seeing and believing and believing and seeing.

Returning to Byzantium

The return to Byzantium starts by resetting the quarrel between word and image to the moment when, in contrast to the Reformation, the image triumphed over attempts to outlaw it in the name of the Old Testament *logos*. The legacy of Byzantium has three dimensions: aesthetic, theoretical, and, most importantly, polemic.

First, the iconoclastic debates consecrated an exemplary aesthetic in the form of the Orthodox icon. In contrast to the Hellenic sculptural body, Renaissance perspective oil painting, and the contemporary digital simulacrum, which are obliged to negotiate the accusation that their sheen and sensationalism can create a misleading illusion of presence, the icon achieves its uncanny effects through an idiom that is resolutely anti-naturalistic. It is characterised by a stylised graphic line and a symbolic and performative approach to colour and shading. Such artifices draw attention to the difference of the image from the prototype and ensure that it is proof against inducing a false sense of presence in the image itself:

There is no pretense ... to a summoning or evocation of the prototype, as is the case with the idol... This is what graphic inscription can do: it relates a visible periphery to an invisible and transfigured content.... Idolatry is averted because the gaze finds nothing to graze upon (to take up again Paul Klee's word) in this delightfully empty object that respects the uncircumscribability of its prototype.³⁸

In sum, rather than seeking, like an idol, to circumscribe a divine presence or describe an illusory plenitude, the iconic line acts like a 'threshold' which, in its visibility, invokes and draws the worshipper towards the invisible truth beyond.³⁹

The aesthetic efficacy of the icon is not reducible to a question of form. The threshold effect results from the icon's place as the heart of a multisensorial, performative experience in which the subject participates. As Bissera V. Pentcheva explains:

While itself an absence (appearance), the Byzantine icon enacts divine presence (essence) in its making and in its interaction with the faithful. A person's approach, movement, and breath disrupt the lights of the candles and oil lamps, making them flicker and oscillate on the surface of the icon. This glimmer of reflected rays is enhanced by the rising incense in the air, the sense of touch and taste, and the sound of prayer to animate the panel. The icon thus goes through a process of becoming, changing, and performing before the faithful.⁴⁰

As with a sculpture, the life of the image, the experience of presence, depends on the active engagement of a mobile viewer in the shared sacred space of its location.⁴¹ In the Orthodox icon, the subject is drawn towards the divinity through the animation of the image's surface

that results from the concrete and specific relationship the viewer, the image and the environment in which the uncanny encounter between them takes place.

Secondly, then, the efficacious aesthetic of the icon was supported in theoretical terms by a potent theological case. The iconophile's answer to the Judaic prohibition relied decisively on the Pauline doctrine of the Incarnation. Central to what Mondzain calls 'the iconic economy', St Paul's description of Christ as 'the image of the invisible God, the firstborn of every creature' interposed the figure of the Son between the prototype and the artificial image.⁴² The theory of Christ the Son as the natural image of God in the form of man redefined the possible pathways of imaginary resemblance away from the formal identity of the idol. It introduced a new mediation between the visible human world and the invisible truth that enabled the experience of presence without the blasphemous claim that the prototype inhered in the man-made image itself.⁴³ As the icon is animated through the personal experience described by Pentcheva, it enacts incarnation as a living relation between the human, the man-made image, and the image of the Divine.

I do not intend to examine here the details of the frequently invoked aesthetics and theory of the icon but to return to the factor that I suggested earlier is restored by addressing the Biblical prohibition against images via the iconoclastic debates rather than the Enlightenment or postmodern philosophy of the sublime. Crucially, as James Elkins has observed, the contemporary recurrence of what he refers to as 'the discourse around iconoclasm', even more clearly than the language of 'the postmodern sublime', draws on fundamentally Christian concepts which are now being used metaphorically in a purportedly secular context.⁴⁴ As Elkins puts it, we are dealing here with ideas that are 'articulated as an echo, an analogy, or a metaphor of interests and concepts whose provenance is the history of Christian theology'.⁴⁵ The danger, he warns, is that 'Political questions [are] dissolved into questions of resurrection, incarnation, and the icon, and those questions precipitated back into politics'.⁴⁶ But the religious dimensions of the discourses employed are not simply disarmed by being used metaphorically.

This is because, as we are seeing, the efficacy of the icon is a function not of its form but of the relationship between the image and what Pencheva refers to as 'the faithful' who experience it.⁴⁷ As Mondzain puts it: 'To say that the icon wanted to be a picture and not an idol or representation is to say that it institutes a gaze and not an object'.⁴⁸ So, while it is undoubtedly helpful to describe the formal aesthetic characteristics of the object and the theological discourse that supports it, what is at issue in practice is the faithful gaze that, in its interaction with the visual body, gives life to it – that is to say, what the viewer believes about what they see. In his study of what he calls *The Sacred Gaze*, David Morgan argues that belief is not so much a matter of creedal content, but of visual practices that 'invest[...] an image, a viewer, or an act of viewing with spiritual significance'.⁴⁹ While constituting intimate experiences for individuals, these practices constitute 'social act[s] of looking'.⁵⁰ In terms reminiscent of Jacques Rancière, Morgan explains the gaze as a 'configuration of ideas, attitudes, and customs' which 'carries particular assumptions about what is visible, the conditions under which the visible is visible, the rules governing visibility and the credibility of images, and what power an image may assert over those who see it'.⁵¹ In other words, a gaze is a matter of the beliefs and practices of a particular community regarding certain sorts of images, their efficacy and significance, the power attributed to them, and the norms that should govern them and their use and interpretation.⁵² This is true whether the community has a positive faith in the significance of the images or whether its faith is informed by a radical distrust of their power and legitimacy. In religious terms, the first translates itself as a veneration of the image; the latter as anathema.

In using metaphorically the language of a religious gaze or drawing on its theoretical model to describe the efficacy of the image as such in a secular context, the question therefore arises as to what sorts of belief take the place of those of religion. However one answers this question in ideological terms, the crucial point is that those beliefs are bound to be, in some sense, *passionate* – not least because, to cite Søren Kierkegaard, 'faith is a

passion'.⁵³ The attack on the World Trade Centre reminds Mondzain that 'images have from the very beginning aroused strong passions'.⁵⁴ She explains:

With the incarnation, a new definition of the image entered into Greco-Roman culture and became the iconic paradigm of all shared visibilities. A common world was built that defined its culture as an articulation and management of the invisible and the visible. People had a passion for images. Naming the life of the Father's image, that of Christ, with the word *Passion*, is in perfect harmony with the iconic. Christ's Passion, that is, the Passion of the image, occurs in the image of the Passion.

So Elkins declares himself 'wary of the relatively sudden ascendance of iconoclasm, idolatry, iconophobia, and other concepts in art historical scholarship' on the grounds that, as articulated by secular critics, '[a]n interest in iconoclasm is an interest in a passion stronger than one that we ourselves possess' in relation to the images we are interested in.⁵⁵

According to the narrative that informs emancipatory approaches to law and the image, the historical weakening of visual passion was the result of the aestheticisation and domestication of embodied experience by the logocentric discourses from which visual studies are liberating the image; in contrast, visual theorists like those we have been discussing claim to have recovered the passionate dimension of the image in their accounts of its phenomenological efficacy. Nevertheless, Mondzain argues, it is faith in the incarnation that has been responsible for the pacification of the strong passions around the image, and, therefore, faith in the visual regime: 'It is no longer the tragic speech of the Greeks but the image that calms the violence of all passions. Only the image can incarnate: this is the principal contribution of Christian thought.'⁵⁶ While the economy of the icon persists in secular environments as the basis for convictions regarding the image, the mobilisation of the discourse around the icon bears a powerful metaphorical remainder, the shade of strong religious passions. In the context of the relationship between believing and seeing, it is this passionate remainder, I venture, that brings with it the problem of iconoclastic, and 'iconic', violence in relation to our beliefs about the truth of images.

The iconoclast & the idolater

The violence of iconoclasm takes us, then, to what I designated as the third contribution from viewing Byzantium as a 'primary scene' for visual studies and the most significant in relation to the discussion of believing, seeing, and the violence of the image: the polemical figure of the iconoclast. It is on the part of the iconoclast, the vigilante of the law of images, that the passions appeased by the Pauline economy of the icon are likely to erupt. The iconoclast is one of a triumvirate of militants of passion regarding images; his opponent, the iconophile or iconodule, is another, capable of being fierce in the image's defence; and the third, the idolater, who worships the idol with sacrifices, is the necessary enemy of both and, as we shall see, the ultimate object and instrument of iconic violence. What is in truth most notable about these figures is their instability: how the one depends upon, and always risks being turned into, the other. It is this that makes the iconoclast an image of a polemical figure, a figure created by and for the purposes of polemic.

The instability and polemical character of the iconoclast makes him, in various ways, monstrous.⁵⁷ In the first place, like Frankenstein's creature, he is a monster in the sense of being constructed out of fragments by his master. The original arguments of the Byzantine iconoclasts were themselves destroyed and, as a result, we only know them through the way they are selectively cited, for rebuttal, by the defenders of the icon. But the iconoclast is also monstrous in that, like Dr Jekyll, he displays two conflicting but inseparable natures in which the enlightened image associated with the French Revolution finds itself conjoined with the iconoclast's reactionary past.⁵⁸ On the one hand, the outrages committed in the name of fundamentalist Islam – the Taliban's destruction of the Buddhas of Bamiyan (March 2001), the attack on the twin towers (September 2001), and the reaction to the *Jyllands-Posten* cartoons of the Prophet (2005) – are commonly cited as evidence of a revival of religious iconoclasm. And indeed, as if in response to an expectation, in March 2015, ISIS followed the sequence of beheading videos with another series of high-production videos featuring

the destruction of ancient Assyrian and Christian images and sites in Syria and Iraq. Yet, at the same time, in talking of a 'new iconoclasm', Sherwin associates the violence of religious fundamentalism with the enlightenment attitude of radical suspicion towards both religious belief and the image developed since the French Revolution by constructivist thinkers, from 'neo-Marxist social critics' to Jean Baudrillard, postmodernists in general⁵⁹ and what he symptomatically refers to in quasi-religious terms as the 'excessive critical zeal' of deconstruction.⁶⁰ Sherwin is by no means alone in making such associations in his defence of the ethical value of the visual. For example, Bruno Latour associates 'image destruction worship, the cult of iconoclasm as the ultimate intellectual virtue, the critical mind, the taste for nihilism' in modern thought, with the actions of the Taliban, and concludes with the rhetorical question: 'What has been most violent? The religious urge to destroy idols to bring humanity to the right cult of the true God or the anti-religious urge to destroy the sacred icons and bring humanity to its true senses?'⁶¹

As the stitching-together of fragments has proceeded through time, the iconoclast has been revealed to be double in another sense. Iconoclasm has always been marked by Elsner's observation that 'the Byzantine strategy of iconoclasm ... involves not simply the breaking but also the setting up of images: it is a process of creation as much as destruction'.⁶² Like contemporary engravings of French revolutionaries pulling down royal statues or the destruction of the monument to the Tsar in the opening of Sergei Eisenstein's *October* (1928), the videos of the demolition of Nimrud and other sites by ISIS illustrate the fact that iconoclasts have always felt the need to make images of their destruction of images. For all his commitment to the destruction of images, then, the iconoclast also has a compulsion to create them. Ultimately, to cite the art historian Horst Bredekamp, 'the iconoclasts are the real iconophiles. They believe in the social, the religious, the psychological power of images'.⁶³

Bruno Latour and others resolve these contradictory attitudes in a postmodern way by arguing that they are in fact constitutive of our relationship with the visual image, a condition that the organisers of the eponymous exhibition in 2002 famously termed 'iconoclasm'.⁶⁴ For Sherwin, it is precisely this indeterminacy within the phenomenology of visual experience that defines the crisis in law and the visual that he calls the 'neo-baroque'.⁶⁵ But, I would argue, the discourse around iconoclasm can more profitably be viewed not in terms of a postmodern subjective ambivalence but rather as an agonistic political struggle in which iconoclasm is not a simple prohibition of the image as such but in effect a position in relation to the iconophilia of others. Rather than 'iconoclasm', this is a matter of what Morgan refers to as 'iconomachy', the term for a struggle over images used by the Byzantines themselves to describe the contemporary debates.⁶⁶ Like Elsner, Morgan explains that 'Iconoclasm ... is not a purging of images *tout à fait* but a strategy of replacement'.⁶⁷ In truth, the quarrel is not over the supremacy of word or image – after all, the Commandment prohibiting graven images is graven in stone. Rather it is, in the end, a battle between rival images or regimes of the gaze. The abiding result of the iconoclastic or iconomachic debates was the triumph of what Mondzain calls an 'iconocracy', the types of gaze enabled by the Christian economy of the image that continues to govern us and through which the West continues to seek to govern the world.⁶⁸

As we have seen, regarding the icon as a gaze rather than an image focuses attention on a community's visual practices and assumptions. Viewing the debates as an iconomachy directs that focus to the political tensions between communities aligned with rival visual regimes. The discourse around iconoclasm operates then as an instrument in the struggle between them. Crucially, at points of crisis, as the Byzantine debates demonstrate, the relationship between iconoclast and idolater becomes reversible and tactical. The iconoclast accuses the iconodule of idolatry on the grounds that the latter mistakes the material image for the absent truth it represents. But the iconodule demonstrates that this is precisely to misunderstand the nature of the icon, *just as an idolater does*. As the iconophile Patriarch Nikephoros succinctly argued round 815: 'If the image does not differ in some way, it is not an image.'⁶⁹ The iconoclast is thus not just a shamefaced iconophile, as Bredekamp

claims, but in fact, at his most militant, he commits the idolater's sin of misunderstanding the nature and status of the image: to use Mondzain's words again, 'It is because he is an idolater that he considers the icon through idolatrous eyes.'⁷⁰ Applying Nikephoros's logic to the Old Testament prohibition, it follows then that 'it is because Jews are by nature idolaters that they were ordered not to make graven images'.⁷¹ The episode of the Golden Calf is proof. In short, what the prohibition does is to identify the sort of people who need to be under prohibition as idolaters. Within the rule of Western iconocracy, the reason for this is not far to find. Since what guards against idolatry is precisely the theory of the Incarnation, in attacking the icon, the iconoclast is denying the central doctrine of the Church. In sum, Mondzain concludes from Nikephoros's catalogue of insults against the iconoclastic Emperor Constantine, the iconoclast is 'Jewish at heart'.⁷² As the people identified with the prohibition against images, the Jews are doubly condemned as both iconoclasts and idolaters. Consequently, as she observes in her consideration of the graphic line of Nazi anti-Semitic caricatures, 'Nothing resembles an iconoclast more than a Jew or an Arab to suppress.'⁷³

It is with the idolater, then, that the passion of iconic violence appears with full force. W.J.T. Mitchell suggests that 'there is some kind of surplus in the very concept of idolatry, a moral panic that seems completely in excess of legitimate concerns about something called "graven images" and their possible abuse"'.⁷⁴ The surplus expresses itself most strongly in the association of idols with sacrifice: 'The iconoclastic stereotype of the idolater, of course, is that he is already sacrificing his children and other innocent victims to his idol'.⁷⁵ The answer to the question posed by Mondzain, 'Can Images Kill?', is yes, if the image in question is an idol. It follows then that something so deadly cannot be permitted to live: 'the definition of the idol is nothing other than an image that must be killed'.⁷⁶ After all, how else can one destroy its power to make one believe in its false presence than by demonstrating that the idol is merely material? Idols are destroyed in order to protect people from being sacrificed to them. The branding of images as idols is thus at the heart of what I referred to earlier as the management of the relations between seeing and believing and believing and seeing in a struggle over regimes of the visual. Images, as we have seen, are effective and unavoidable; power lies in the capacity to determine what sorts of images we are permitted to give credence to and the norms under which we should believe in their truth – but, critically, power equally requires the identification of rival kinds of image as idolatrous.

There is, however, a further step in the logic of iconic violence, which has been hinted at continually above. Since, as we have seen, it is the gaze that makes the idol what it is, the anathema against it threatens the idolater him- or herself. The management of the economy of seeing and believing depends then not just on aesthetics, theology or law, but on the distribution of positions between the iconoclast and the idolater. 'Whoever wishes to rule,' argues Mondzain, 'must, above all else, be a good manager of idolatry. What does this mean, if not that he must administer worship to his advantage by eluding the fate of all idols, which must, in turn, be sacrificeable, and indeed, always end up by being sacrificed'.⁷⁷ In the context of Western iconocracy, identifying the iconoclast, '[t]he enemy of dominant visibilities', as, at heart, a potential idolater, means that, in moments of crisis, he too may be 'expelled and sent to the camp of idolaters and idols destined for ritual sacrifice'.⁷⁸ Although we are rarely reminded of the fact, the sacrifice of the idolater in the name of the iconoclast is, after all, already part of the foundational story of the law of images: following the destruction of the Golden Calf, Moses ordered the sons of Levi to massacre 3,000 of their compatriots. 'This,' comments Jan Assmann, 'is what it means to be a zealot'.⁷⁹

Icons of violence

Thus we come to the two images to which I alluded in the opening, and again to 'the death of the image in the image of death'.⁸⁰ Neither can be illustrated here, for different reasons relating to what one believes should or should not be displayed. In each, the head of an enemy is separated from its body, in one case literally. The chiasmus arises from the fact that both are iconoclastic gestures that use dominant iconocratic practices to produce images of the destruction of the human image, each of which is justified by being configured

as representative of a violent idolatrous prototype. While this analysis is unlikely to be controversial in the case of the execution video, I shall argue that it is also true, albeit in significantly different ways, of the cartoon. Both images, I want to suggest, are expressions of zeal.

Although its perceived content transgresses the accepted limits of the iconocratic image, the video made by ISIS depicting the sacrifice of a prisoner draws on a dominant mode of the visual industries' discourse of evidence, using the techniques of Western documentary video-making to shocking effect.⁸¹ The video uses intertexts, split screen images, and the montage of a newsreel insert of President Obama's promise of air attacks combined with 'humanitarian' action, followed by military film from an aircraft destroying a distant target. These recorded images are followed by more artisanal footage of direct addresses to camera from the victim and the executioner, culminating in the act of execution.⁸² ISIS appears to be deliberately exploiting the enemy's faith in its own visual aesthetics to ensure the maximum efficacy of its images. Notably, however, the use of documentary techniques did not prove sufficient in themselves to produce the conviction of belief in what we see. *Pace* Sherwin's concern about their gullibility, viewers accustomed to graphic images of decapitation from numerous horror films and popular television series like *Spartacus* or *War of Thrones*, have learnt to be sceptical regarding the evidence of cinematic verisimilitude.⁸³ It was not only conspiracy websites that from the start examined the videos frame by frame like media students, to demonstrate that they had been 'faked'. Faced with the first of the beheadings, respectable newspapers also cited the opinion of 'an international forensic science company' suggesting that what they referred to as 'camera trickery and slick post-production techniques' may have been used to 'stage' the execution.⁸⁴

Yet, past these reactions, the video certainly achieved its desired effect, which has been reinforced by a number of repetitions of the horrific formula. Nonetheless, the proof of the dependence of the effectiveness of these images on the regime to which they belong is that we did not, in fact, need to see the execution itself in order to believe in its evidence and experience its effects. The Western press decided not to show the whole video; but, even if it had, audiences would have found that, as the executioner begins to making sawing motions with his knife at the victim's throat, in a shot that, although frontal, is too distant for the viewer to observe the action in detail, the video itself fades to black, followed by a shot panning the length of a dead body before coming to a halt on the victim's bloody head posed on his back. This was surely not a result of squeamishness on behalf of ISIS, since the same decorum is not found in contemporary recordings of the execution of Arab prisoners. Rather it reflects a faithfulness to the economy of the image they chose to employ. This video stops, iconically as it were, at the threshold of the moment when death is made present and after which it has occurred, while drawing the viewer ineluctably towards the unrepresentable truth. In the end, it was the performative context that led spectators to believe fully in the reality of what they were shown, that what they were viewing was not the iconoclastic destruction of a filmic image but the sacrifice of a living being. Conviction of the authenticity of what was broadcast by the media was backed by the beliefs that were disseminated about the relationship between ISIS, images and the violence of their 'justice' against infidels.

The video uses other elements drawn from the Western visual regime to configure the agonistic relationship between two communities with different beliefs. The introductory newsreel and military inserts appear designed to justify the action that follows by establishing the victim not as an individual defined by a personal history but as a representative image of 'America', like that of the elected President himself. The sacrificial slaughter that follows positions those whose gaze it attacks as idolaters: their idol is their own likeness as the embodiment of the sanctity of all human life. It is this that makes the images so much more outrageous, that one sees in it more than the loss of one life but the expression of a culture that defies all human values – a 'death cult', in the words of the British Prime Minister.⁸⁵ The move is complemented by images of the other side of America's allegedly idolatrous practices, here figured by the air attack that follows the President's announcement: its indiscriminate destruction of unseen Muslims in the name of

universal 'humanitarianism'. In sum, the Americans are portrayed as idolaters who sacrifice Muslim subjects to their worship of themselves as the real image of humanity.

The second image of iconic violence is of an apparently quite different type. Kurt Westergaard's cartoon of the Prophet was published in the Danish newspaper *Jyllands-Posten* as part of a dozen controversial drawings edited by the Danish journalist Flemming Rose.⁸⁶ The violence which, I argue, this image also articulates is, of course, incommensurable with the murders documented in the videos; but that does not mean that there is not iconoclastic passion and the associated accusation of idolatry implied here which are conducive to a climate of physical violence against those figured by the image. While the ISIS video uses the aesthetic of those whom it attacks to turn their gaze against themselves, by defying Islam's iconoclastic ban on images of the Prophet, the cartoon aggressively stages a confrontation between quite distinct visual regimes.

Although also firmly within the reigning Western economy of the image, in style the cartoon evidently could not be more different from the video. In contrast to the latter's multimodal verisimilitude, here we have a simple line-drawing, depicting in outline a fierce-eyed, bearded head wearing a turban, the curve of which morphs into a cartoon bomb. Besides the context of the other images and the surrounding text in the newspaper in which it appeared, the design is identifiable as the Prophet by the Arabic script that emblazons the turban and by the stylised graphic line describing its features – the outline and the eyes, nose, and facial hair (note the absence of a mouth). The image is almost entirely monochromatic. Other than the symbolic use of a flat, flesh-coloured wash on the face and the yellow illumination of the calligraphy, it is dominated by the black of the turban and beard. The simple curved line that describes the circumference of the bomb draws the viewer's eye to the upper right corner where the line turns into a lit fuse, culminating in the only other use of colour as the line-fuse cartoonishly burns, soon to explode.

What do we make of this? Rather than a naturalistic or photographic portrait, the drawing of the Prophet iconically presents an immediately recognised caricature of someone of whom no known likeness exists. While we know what we believe about documentary footage, including nowadays a measure of scepticism, we also understand the gaze of the caricaturist; we have learnt to regard such images as drawing us towards satirical truths.

E. H. Gombrich and Ernst Kris's classic study of the caricature places the origin of the modern form in the 'portrait-caricatures' of the seventeenth century that were adapted to political purposes in 1780-1820 by the likes of James Gillray and subsequently by the cartoons of King Louis-Philippe by Charles Philipon and Honoré Daumier, both of whom were prosecuted in 1831-2 for the crime of *lèse majesté*.⁸⁷ The crime here, as Oliver Watts explains, was to challenge 'the sacred presence of the king in the image' of the nation.⁸⁸ Caricatures are hence a sort of icon of Enlightenment iconoclasm, using stylised graphic strokes to break the illusory presence of the image of power. Performing a 'comic distortion of an individual', caricatures convey a moral, or political, critique of what is alluded to through their graphic contours.⁸⁹ In other words, our modern gaze views the caricature as a critical discourse that uses an exaggerated, unnaturalistic but recognisable line as a threshold between the image and the absent prototype, bridged and animated by a belief in the potential of satire to speak the truth of what is concealed in official public likenesses.

While the caricature is modern, satire of course is not. Before its classical origins, Assman tells us that it is a common mode of 'denunciation' used in the Bible to attack idolatry. It did this by turning a 'wilfully uncomprehending gaze', similar to that used in the ancient Egyptian 'satire of trades', on 'the rites of foreign religions'.⁹⁰ In that sense, this image of precisely what Islam prohibits as an image also depicts a mortal confrontation between communities, mediated through accusations of idolatry. By declaring its iconoclastic purpose to ridicule the veneration of the Prophet, Westergaard's wilfully uncomprehending gaze claims to reveal a hidden truth about Islam. That truth links the prohibition against the representation of the likeness of the Prophet with the violence of the terrorist.

The same drawing that is designed to express a horror at the 'cult' of Islamic terrorism is equally capable of provoking outrage among those who believe – for a variety of

reasons, not only those attributed to Islamic fundamentalists – that images like this should not be displayed. For example, an argument based on human rights and a critique of hate speech might observe that the cartoon of the Prophet risks conflating the caricature of an individual with a racial or ethnic prototype – the inverse, if one likes, of the implied idolatry of the ‘humanitarian’ in the ISIS video. Indeed, one might feel, in its resemblance to the graphics of Nazi anti-Semitic images, the threshold-effect of the caricature brings into presence an entire community as the object of its vision of image-destruction. Further, given that the justification for iconoclasm is that the image is regarded as an idol, the implication that all those who believe in the Prophet are themselves idolaters becomes a self-fulfilling prophecy whose truth is evidenced by their reaction to the cartoon itself. The image of the Prophet-bomb is hence an ‘image of death in the death of the image’ in that it invokes not only the ‘blowing up’ of innocent victims of Islamic terror, but of the Prophet himself and those who believe in him, caught by the image in a double-bind of idolatry. In that sense, the most violent aspect of the caricature is its foreclosure of any view of the image that challenges the legitimacy of this sort of iconoclastic icon.

In the end, what the discourse around iconoclasm shows is that what is at issue isn’t so much, as Sherwin seems to argue, the genre, technology or modality of images – be they photographic or diagrammatic, analogue or digital, sensationalist or sublime; nor the question whether there are types of visual experience that may be, by their nature, reliable, as opposed to others that tend to seduce and mislead. Our conviction by visual experience relies in the first place on the collective assumptions and practices we share that render the economy of the image by which we are convinced invisible to us. At moments of crisis, what, borrowing its religious overtones in a secular context, I have referred to as ‘zeal’ can turn this ‘common sense’ into a criterion of legitimacy for others as well as ourselves. ‘Zeal’ describes a certain quality of commitment or passion towards one’s beliefs; but from a philological point of view, it can also signify a fierce jealousy of, or rivalry with, another’s. What is in fact at issue in laws that seek to manage the passions connecting seeing and believing and the violence they can mandate is, then, the legitimisation of a regime of visibility through the *attitudes* people have to others who share different visual practices and beliefs. That is to say, ultimately, then, between the way people regard each other in the way they regard images. Miguel Tamen suggests, in iconoclasm, the hostility comes first, the theory follows.⁹¹

I have argued here that the practice and discourses on behalf of and against iconoclasm bring with them the implication of a set of passions that, historically speaking, are religious in origin: either to execrate and destroy, or to venerate, the image. The caricature of the Prophet may then make us ask what, if anything, takes the place of the passions of veneration and execration towards the image for those who inhabit a culture in which seeing claims to be dissociated from religious belief? And what, then, are the appropriate ways of envisaging a critical position towards the point-of-view, the ‘sacred gazes’, if you will, of others whose beliefs about seeing we do not share. At the very least, one might conclude, it should avoid the insinuations of iconoclasm and idolatry through which political differences masquerade as visual legitimacies and transgressions. The question to ask about an image, then, is not whether it is true but for whom and under what conditions might it be believed?

¹ Marie-José Mondzain, ‘Can Images Kill?’, *Critical Inquiry* 36.1 (2009), pp 20-51.

² *Ibid.*, p. 20.

³ The series of eight videos began on 19 August 2014 and concluded on 31 January 2015. The attack on the offices of *Charlie Hebdo* in Paris took place on 7 January, 2015 and was followed on 14 February by an attack on a café in Copenhagen where a debate was being staged featuring Lars

- Vilks. The latter had been the object of a number of murder plots for his cartoons of Mohammed in 2009-11, as had Kurt Westergaard in 2010-11.
- ⁴ For an early debate about the legitimacy of disseminating the execution, see Chelsea J. Carter, 'Video Shows Isis Beheading U.S. Journalist James Foley', *CNN International Edition* (20 August 2014); available at <http://edition.cnn.com/2014/08/19/world/meast/isis-james-foley/>, last accessed 5 April, 2016.
- ⁵ Robert Cover, 'Violence and the Word' [1986], *Narrative, Violence, and the Law: The Essays of Robert Cover*, ed. Martha Minow, Michael Ryan & Austin Sarat (Ann Arbor: University of Michigan Press, 1992), p. 203.
- ⁶ Cf. *inter alia*: Costas Douzinas and Lynda Nead, eds., *Law and the Image : The Authority of Art and the Aesthetics of Law* (Chicago: University of Chicago Press, 1999); Alison Young, *Judging the Image : Art, Value, Law* (London: Routledge, 2005); Cornelia Vismann, 'Image and Law -- a Troubled Relationship', *parallax* 14.4 (2008), pp 1-9; Oren Ben-Dor, ed., *Law and Art* (Abingdon, Oxon: Routledge, 2011); Leif Dahlberg, ed., *Visualizing Law and Authority : Essays on Legal Aesthetics* (Berlin: De Gruyter, 2012); Peter Goodrich, *Legal Emblems and the Art of Law : Obiter Depicta as the Vision of Governance* (Cambridge: Cambridge University Press, 2013). See also note 8 below.
- ⁷ Martin Jay, 'Must Justice Be Blind? The Challenge of Images to the Law', *Law and the Image : The Authority of Art and the Aesthetics of Law*, eds. Costas Douzinas and Lynda Nead (Chicago: University of Chicago Press, 1999), pp 19-35.
- ⁸ Cf. Richard K. Sherwin, *Visualizing Law in the Age of the Digital Baroque : Arabesques & Entanglements*, Kindle ed. (London: Routledge, 2011). For a broader discussion of images of the law in general, cf. Richard K. Sherwin, *When Law Goes Pop : The Vanishing Line between Law and Popular Culture* (Chicago: University of Chicago Press, 2000).
- ⁹ Costas Douzinas, 'A Short History of the British Critical Legal Conference or, the Responsibility of the Critic', *Law and Critique* 25 (2014), p. 92.
- ¹⁰ Gottfried Boehm, *Was Ist Ein Bild?* (Muenchen: Fink, 1994); W. J. T. Mitchell, 'The Pictorial Turn' [1992], *Picture Theory : Essays on Verbal and Visual Representation* (Chicago: University of Chicago Press, 1994), pp 11-34.
- ¹¹ Anne Wagner and Richard K. Sherwin, eds., *Law, Culture and Visual Studies* (Dordrecht ; London: Springer, 2013).
- ¹² Sherwin, *Visualizing Law in the Age of the Digital Baroque*, p. 4.
- ¹³ Richard K. Sherwin, 'Law, Metaphysics, and the New Iconoclasm', *Law Text Culture* 70 (2007), p. 87.
- ¹⁴ Sherwin, *Visualizing Law in the Age of the Digital Baroque*, p. 24.
- ¹⁵ *Ibid.*, p. 34.
- ¹⁶ *Ibid.*, pp 2-3.
- ¹⁷ *Ibid.*, p. 3.
- ¹⁸ *Ibid.*, p. 13 et seq.
- ¹⁹ *Ibid.*, p. 48.
- ²⁰ *Ibid.*, p. 3.
- ²¹ *Ibid.*, p. 52.
- ²² See the website of the American Bar Association commemorating the 800th anniversary of the sealing of Magna Carta (<http://iconofliberty.com/>). For further discussion of the contemporary use of the 'icon', cf. Martin A. Kayman, 'The Bill of Rights: "Icons" of Liberty and Law in the Early Twenty-First Century', *Law and Humanities* 5.2 (2011), pp 323-48.
- ²³ Costas Douzinas, 'Prosopon and Antiprosopon : Prolegomena for a Legal Iconography', *Law and the Image : The Authority of Art and the Aesthetics of Law*, eds. Costas Douzinas and Lynda Nead (Chicago: University of Chicago Press, 1999), pp 36-67.
- ²⁴ Cf. David Freedberg, *Iconoclasts and Their Motives* (Maarssen: Gary Schwartz, 1985); Sherwin, 'Law, Metaphysics, and the New Iconoclasm', pp 79-105. Two major themed exhibitions on the topic have taken place this century: the 'Iconoclasm' exhibition organised by Bruno Latour and Peter Weibel in Karlsruhe in May 2002 and 'Art under Attack: Histories of British Iconoclasm', at Tate Britain in October 2013.
- ²⁵ For academic interest in the icon during the period, cf. *inter alia* Moshe Barasch, *Icon : Studies in the History of an Idea* (New York: New York U. P., 1992); Marie-José Mondzain, *Image, Icon, Economy : The Byzantine Origins of the Contemporary Imaginary* [French ed. 1996], trans. Rico

- Franses (Stanford, Calif.: Stanford University Press, 2005); Josh Ellenbogen and Aaron Tugendhaft, eds., *Idol Anxiety* (Stanford, Calif.: Stanford University Press, 2011).
- ²⁶ Jaś Elsner, 'Iconoclasm as Discourse : From Antiquity to Byzantium', *The Art Bulletin* 94.3 (2012), pp 368-94.
- ²⁷ Ibid., p. 385.
- ²⁸ David Freedberg, *The Power of Images : Studies in the History and Theory of Response* (Chicago: University of Chicago Press, 1989).
- ²⁹ Ibid., pp 11-12.
- ³⁰ Hans Belting, *Likeness and Presence : A History of the Image before the Era of Art*, trans. Edmund Jephcott (Chicago ; London: University of Chicago Press, 1994).
- ³¹ Immanuel Kant, *The Critique of Judgment* (Oxford: Oxford University Press, 1973), p. 127; Douzinas, 'Prosopon and Antiprosopon : Prolegomena for a Legal Iconography', pp 54-56.
- ³² Cf. Stanley J. Idzerda, 'Iconoclasm During the French Revolution', *The American Historical Review* 60.1 (1954); Dario Gamboni, *The Destruction of Art : Iconoclasm and Vandalism since the French Revolution* (London: Reaktion, 1997), p. 255.
- ³³ Emmanuel Alloa, 'The Most Sublime of All Laws: The Strange Resurgence of a Kantian Motif in Contemporary Image Politics', *Critical Inquiry* 41.2 (2015), pp 367-89.
- ³⁴ Emmanuel Alloa, 'Visual Studies in Byzantium : A Pictorial Turn *Avant La Lettre*', *Journal of Visual Culture* 12.1 (2013), p. 23. The first period stretches from the iconoclastic Council of Hieria (754 CE) to the restitution of image veneration at the Council of Nicea (786 CE); the second from the restoration of the ban in 815 to the so-called 'Triumph of Orthodoxy' in 843.
- ³⁵ Ibid., p. 3.
- ³⁶ Ibid., p. 6.
- ³⁷ Mondzain, *Image, Icon, Economy*, p. 152.
- ³⁸ Ibid., pp 94-96.
- ³⁹ In this the iconic line is much like Goodrich's 'visial line' – cf. Peter Goodrich, 'The Visial Line: On the Prehistory of Law and Film', *parallax* 14.4 (2008), pp 55-76.
- ⁴⁰ Bissera V. Pentcheva, 'The Performative Icon', *The Art Bulletin* 88.4 (2006), p. 631.
- ⁴¹ Cf. Martin A. Kayman, 'The Law and the Statuesque', *Law and Critique* 24.1 (2013), p. 8.
- ⁴² Mondzain, *Image, Icon, Economy*, p. 67 et seq.; cf. St Paul, 'Epistle to the Colossians', *King James Bible* (1611) 1: 15.
- ⁴³ Mondzain describes this as the 'economy of the icon' – pointing out that the term *oikonomia* is used by Paul to describe the incarnation – Mondzain, *Image, Icon, Economy*, p. 12.
- ⁴⁴ James Elkins, 'Iconoclasm and the Sublime : Two Implicit Religious Discourses in Art History', *Idol Anxiety*, eds. Josh Ellenbogen and Aaron Tugendhaft, *Kindle Edition* (Stanford, Calif.: Stanford University Press, 2011), p. 115.
- ⁴⁵ Ibid.
- ⁴⁶ Ibid., p. 125.
- ⁴⁷ Pentcheva, p. 631.
- ⁴⁸ Mondzain, *Image, Icon, Economy*, p. 70.
- ⁴⁹ David Morgan, *The Sacred Gaze : Religious Visual Culture in Theory and Practice* (Berkeley, Calif. ; London: University of California Press, 2005), pp 8, 3.
- ⁵⁰ Ibid., p. 3.
- ⁵¹ Ibid., p. 5. Cf. Jacques Rancière, 'The Aesthetic Dimension: Aesthetics, Politics, Knowledge', *Critical Inquiry* 36.1 (2009), pp 1-19.
- ⁵² For further exploration of this structure, see Martin A. Kayman, 'Corpus Juris, Habeas Corpus, and the "Corporeal Turn" in the Humanities', *Law & Literature* 28 (2016 [forthcoming]).
- ⁵³ Søren Kierkegaard, *Fear and Trembling; Repetition*, *Kierkegaard's Writings*, eds. Howard V. Hong and Edna H. Hong, vol. VI (Princeton: Princeton UP, 1983), p. 67.
- ⁵⁴ Mondzain, 'Can Images Kill?', p. 23.
- ⁵⁵ Elkins, p. 118.
- ⁵⁶ Mondzain, 'Can Images Kill?', p. 28.
- ⁵⁷ I deliberately retain the masculine pronoun in referring to the iconoclast in order to draw attention to the way in which the roles of iconoclast, iconophile and idolater have traditionally been gendered in such polemics.
- ⁵⁸ See note **Error! Bookmark not defined.**, above.
- ⁵⁹ Sherwin, 'Law, Metaphysics, and the New Iconoclasm', pp 74-76.

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- ⁶⁰ Sherwin, *Visualizing Law in the Age of the Digital Baroque*, p. 4.
- ⁶¹ Bruno Latour, 'What Is Iconoclasm? Or Is There a World Beyond the Image Wars?', *Iconoclasm, Beyond the Image-Wars in Science, Religion and Art*, eds. Peter Weibel and Bruno Latour (Karlsruhe: Zentrum für Kunst und Medientechnologie, 2002), p. 38. Cf. the long tradition of modern critical iconoclasm identified by the founder of 'iconology', W. J. T. Mitchell, in 'Idolatry: Nietzsche, Blake, and Poussin', *Idol Anxiety*, eds. Josh Ellenbogen and Aaron Tugendhaft, *Kindle Edition* (Stanford, Calif.: Stanford University Press, 2011), p. 42.
- ⁶² Elsner, p. 376.
- ⁶³ Horst Bredekamp and Christopher S. Wood, 'Iconoclasts and Iconophiles: Horst Bredekamp in Conversation with Christopher S. Wood', *Art Bulletin* XCIV.4 (2012), p. 518.
- ⁶⁴ Cf. Joseph Koerner, 'The Icon as Iconoclasm', *Iconoclasm, Beyond the Image-Wars in Science, Religion and Art*, eds. Peter Weibel and Bruno Latour (Karlsruhe: Zentrum für Kunst und Medientechnologie, 2002), pp 164-213.
- ⁶⁵ Sherwin, *Visualizing Law in the Age of the Digital Baroque*, p. 31.
- ⁶⁶ Morgan, p. 12. Cf. Leslie Brubaker, 'Icons and Iconomachy', *A Companion to Byzantium*, ed. Liz James (Oxford: Blackwell, 2010), p. 323. As Brubaker points out, the term 'iconoclasm' is a sixteenth-century coinage.
- ⁶⁷ Morgan, p. 117.
- ⁶⁸ Mondzain, *Image, Icon, Economy*, p. 152. Cf. also Mondzain, 'Can Images Kill?', p. 20.
- ⁶⁹ Patriarch Nikephoros, quoted in Alloa, 'Visual Studies in Byzantium', p. 17.
- ⁷⁰ Mondzain, *Image, Icon, Economy*, p. 109.
- ⁷¹ *Ibid.*
- ⁷² *Ibid.*
- ⁷³ Mondzain, *Image, Icon, Economy*, p. 209.
- ⁷⁴ Mitchell, 'Idolatry: Nietzsche, Blake, and Poussin', p. 40.
- ⁷⁵ *Ibid.*, p. 41.
- ⁷⁶ Mondzain, *Image, Icon, Economy*, p. 185.
- ⁷⁷ *Ibid.*, p. 179.
- ⁷⁸ *Ibid.*, p. 224.
- ⁷⁹ Jan Assmann, 'What's Wrong with Images', *Idol Anxiety*, eds. Josh Ellenbogen and Aaron Tugendhaft, *Kindle Edition* (Stanford, Calif.: Stanford University Press, 2011), p. 5. Cf. Exodus 32:26-28.
- ⁸⁰ Mondzain, 'Can Images Kill?', p. 21.
- ⁸¹ Anon. (dir.), *A Message to America from the Islamic State* [On-line video], Al-Hayat Media Center (19 August 2014); available at: <http://leaksource.info/2014/08/19/graphic-video-islamic-state-beheads-american-journalist-james-foley/>; last accessed 7 April 2016.
- ⁸² For an account of the Al Hayat Media Centre's use of Western video techniques, see Steve Rose, 'The Isis Propaganda War: A Hi-Tech Media Jihad', *Guardian* (7 October 2014); available at <http://www.theguardian.com/world/2014/oct/07/isis-media-machine-propaganda-war>, last accessed 7 April, 2016.
- ⁸³ Michael Hurst, Rick Jacobson and Jesse Warn (dir.), *Spartacus: Blood and Sand*, USA: Starz Media (2010-13); David Benioff and D. B. Weiss (dir.), *Game of Thrones* [TV series], USA: HBO (2011-2015).
- ⁸⁴ Bill Gardner, 'Foley Murder Video 'May Have Been Staged'', *The Telegraph* (25 August 2014); available at <http://www.telegraph.co.uk/journalists/bill-gardner/11054488/Foley-murder-video-may-have-been-staged.html>, last accessed 5 April, 2016.
- ⁸⁵ David Cameron began characterising ISIS in this way in the autumn of 2015 before applying the phrase in the November Parliamentary debates over the proposal to extend British participation in air attacks from Iraq to Syria.
- ⁸⁶ Flemming Rose, 'Muhammeds Ansigt [the Face of Muhammad]', *Jyllands-Posten* (29 September 2005); available at <http://jyllands-posten.dk/indland/ECE4769352/muhammeds-ansigt/>, last accessed 5 April 2016.
- ⁸⁷ E. H. Gombrich and Ernst Kris, *Caricature* (Harmondsworth: Penguin, 1940).
- ⁸⁸ Oliver Watts, 'Daumier and Replacing the King's Body', *Law, Culture and Visual Studies*, eds. Anne Wagner and Richard K. Sherwin (Dordrecht ; London: Springer, 2013), p. 427.
- ⁸⁹ Gombrich and Kris, p. 10.
- ⁹⁰ Assmann, p. 7. Examples are found in Psalm 115, Jeremiah 10: 1–16, and Isaiah 44: 9–20.
- ⁹¹ Miguel Tamen, *Friends of Interpretable Objects* (Cambridge, Mass.: Harvard University Press, 2001), p. 40.